IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.34304 of 2007

1. A.B.SHIV SHANKAR , SON OF A.G.BALAKRSIHNAN, GENERAL MANAGER(IMAGING), M/S TRIVITRON MEDICAL SYSTEM PVT.LTD, 15, IVTH STREET, ABHIRAMAPURAM, CHENNAI -600 018
2. R. MANIKANDAN, SON OF K. RAMANATHAN, SENIOR EXECUTIVE (LIAISONING).M/S TRIVITRON MEDICAL SYSTEM PVT.LTD.15, IVTH STREET, ABHIRAMPURAM, CHENNAI-600018

---------- **PETITIONERS**

Versus

1. THE STATE OF BIHAR
2. DR.ASHUTOSH KUMAR JHA, PROPRIETOR OF M/S SONOSCAN N.H.31, PURNEA, P.S.K.HAT, DISTRICT-PURNEA. ---------- **OPP.PARTIES**

For the petitioners: M/S Jitendra Singh, Sr. Advocate
R.K.Singh, Advocate
For the State : Dr. Mayanand Jha, A.P.P.
For Opp.Party no.2: Mr. Shashi Bhushan Jaiswal, Advocate

O R D E R

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This application under Section 482 Cr.P.C. has been filed by the two petitioners, who happen to be the General Manager (Imaging) and Senior Executive (Liaisoning) of M/S Trivitron Medical System Pvt. Ltd. and are impleaded as accused no.1 and 2 in Complaint Case no.148 of 2006, which on reference under Section 156(3) Cr.P.C, K.Hat P.S. Case No.244 of 2006 came to be registered under Sections 409, 420, 120B I.P.C., with a prayer for quashing the entire F.I.R.

A counter affidavit has been filed by Opp.Party no.2 who

happens to be the complainant/informant of the aforesaid case. The matter relates to the supply of Colour Doppler Machine in the clinic of the complainant /Opp.Party no.2. Paragraph-6 of the counter affidavit, it has been averred by the Opp.Party no.2 that he does not have any grievance against the accused petitioners as the grievance has since been redressed and compromise between the accused and the complainant has been arrived at and to that effect a compromise petition has been filed on 14.7.2006 before the learned Chief Judicial Magistrate, Purnea, showing the intention of the complainant/informant in not wanting to prosecute the case as against the accused.

Under the facts and circumstances, it is quite natural and apparent that no gainful purpose would be served in allowing the prosecution to continue. Accordingly, this application is allowed and the impugned F.I.R. of K.Hat P.S. Case No.244 of 2006 is quashed so far as the two petitioners herein are concerned.

(Abhijit Sinha, J)

Patna High Court,Patna
Dated : the 15th December,2008
Nawal Kishore Singh/ A.F.R.

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